

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 EAST MAIN STREET, SUITE 501, RICHMOND, VIRGINIA 23219
March 9, 2021

File Number
No. 20-2340

1:20cv207

Joseph L Westfall

FILED

MAR 11 2021

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

)
v.
)
DONALD J. TRUMP,
President, Individually and
Official Capacities, and
STEVEN T. MNUCHIN,
Secretary, U.S. Treasury, Individually
and Official Capacity
Joseph Biden President Official Only
Janet Yellen Secretary, U.S. Treasury Official Only
Defendants

ADENDUM
RULE 2 "SUSPENSION OF THE RULES"

Rule 2. Suspension of Rules On its own or a party's motion, a court of appeals may
—to expedite its decision or for other good cause
—suspend any provision of these rules in a particular case and order proceedings as it directs, except as
otherwise provided in Rule 26(b). (As amended Apr. 24, 1998, eff. Dec. 1, 1998.)

Directly or indirectly, advertently or inadvertently; Rule 2 accords, aligns, comports, and conforms with
Harlan J. concurrence in:

Standard Oil Co. of New Jersey v. United States,
221 U.S. 1 (1910)

**It is quite conceivable that Congress,
contemplating the inevitable hardship of such injuries
and hoping to diminish the economic loss
to the community resulting from them,
should deem it wise to impose their burdens
upon those who could measurably control their causes,
Instead of upon those who are in the main helpless in that regard.**

It is self evident by public record the District via gross incompetence, willful neglect or complete lack of due diligence; FAILED PRO SE Plaintiff by refusing personal check for payment of filing fee, or waiving said fee and not checking for identical or similar concurrent cases.

I.E. Case 4:20-cv-05309-PJH Document 1 Filed 08/01/20 "This case is brought on behalf of persons who have been incarcerated in the United States at any time from March 27, 2020 to the present ("incarcerated persons" or "incarcerated people") to challenge Defendants' unauthorized and unlawful refusal to issue Economic Impact Payments ("EIP") to which these persons are entitled under the Coronavirus Aid, Relief, and Economic Security (CARES) Act"

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AND the ruling thereof:

Case 4:20-cv-05309-PJH Document 87 Filed 10/14/20 Page 39 of 39

The cited case accords, aligns, comports, and conforms with both
FRCP 1 "They should be construed, administered, and employed by
the court and the parties to secure the just,

speedy, and inexpensive
determination of every action and proceeding.

Code of Conduct for United States Judges

Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently
A judge should dispose promptly of the business of the court.

08/01/2020 to 10/14/2020 is speedy whereas 08/19/2020 to date 03/09/2021 is no where near speedy; nor is
the latter length of time within the EQUAL PROTECTION of the 14th AMENDMENT.
FURTHER Plaintiffs had the aid of at least 6 individuals with State Bar Numbers(SBN)
with "[Additional counsel listed on signature page]" that this Pro Se Plaintiff/Appellant does not enjoy.

USDCNDWV LOCAL RULES

Departures from Local Rules LR Gen P 89.01. Departures from Local Rules. A district judge may, in
the interest of orderly, **expeditious and efficient administration of justice**, allow departures from
these Local Rules when warranted by particular facts and circumstances.

08/19/2020 to date 12/04/2020 Document 20 is not **expeditious and efficient administration of justice** in
comparison of the Cited incarcerated persons case

NOR DOES 12/13/2020 to Date 03/09/2021 and running align or comport with Canon 3.

Rule 23. Class Actions

(a) PREREQUISITES. One or more members of a class may sue or
be sued as representative parties on behalf of all members only if:

- (1) the class is so numerous that joinder of all members is
impracticable;
- (2) there are questions of law or fact common to the class;
- (3) the claims or defenses of the representative parties are
typical of the claims or defenses of the class; and
- (4) the representative parties will fairly and adequately protect
the interests of the class.

(c) CERTIFICATION ORDER; NOTICE TO CLASS MEMBERS; JUDGMENT;

ISSUES CLASSES; SUBCLASSES.(B) *Defining the Class; Appointing Class Counsel.* An order
that certifies a class action must define the class and the
class claims, issues, or defenses, and must appoint class
counsel under Rule 23(g). CLASS COUNSEL.

(1) *Appointing Class Counsel.* Unless a statute provides otherwise,
a court that certifies a class must appoint class counsel

Original Complaint page 2 "The Court may make this a class action."

12 million low-income people could miss out on stimulus payments. Jun 15,2020 3:41 P.M. CDT By
Katie Lobosco, CNN.

"Millions of U.S. Citizens won't get help from stimulus checks because their spouses or parents are
unauthorized immigrants." By Diane Solis and Maria Mendez 7:00 P.M. On Apr. 16,2020 CDT The
Dallas Morning News

Pro se Document October 10, 2020

OBJECTIONS TO THE REPORT AND RECOMMENDATION

e\ SUBSTANTIAL BURDEN

“Plaintiff included W2s” [pg 2 of 8] USMJ

In Complaint filed pg 6 of 6 plaintiff submitted 1 W2 and 2 weekly payroll check stubs 1 showing \$411.30 (bottom cutoff) and the other \$441.53 take home. This shows the fee is 97.25% of the former and 90.59% of the latter

Change of Status Notice: Plaintiff/Appellant has only earned to date \$980.00 this year payroll stub copy included to the 4th.

It is possible that P/A's work could have continued had this court acted upon “**INFORMAL BRIEF**

4. Relief Requested”

“6) as #5 raises past filing the court order W.V. to re instate Drivers license as it stood Oct. 1, 2008 7) punitive damages of \$63million against W.V. paid to plaintiff Westfall (due process, lost of liberty, loss of income, 8th AMENDMENT violation as well as identical right in Art 3-5 W.V. Constitution "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. Penalties shall be proportioned to the character and degree of the offence" Parties

Donald J. Trump Former President 1100 S Ocean Blvd, Palm Beach, FL 33480

STEVEN T. MNUCHIN, Former Secretary, U.S. Treasury, 1500 Pennsylvania Avenue, NW;
Washington, D.C. 20220

Joseph Biden President 1600 Pennsylvania Avenue NW, Washington, DC 20500

Janet Yellen Secretary, U.S. Treasury 1500 Pennsylvania Avenue, NW; Washington, D.C. 20220

United States District Court Northern District of West Virginia 500 West Pike St. Room 301
P.O.Box 2857 Clarksburg, W.V. 26302-2857

Certificate of Service

I, Joseph L. Westfall, appearing pro se, hereby certify a true copy sent to all parties

 3-9-21

Joseph L. Westfall March 9, 2021

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